

**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.759a Absent armed services or overseas voter; use of federal postcard application; application for absent voter ballot; “armed services” defined.**

Sec. 759a. (1) A member of the armed services or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to absent armed services and overseas voters.

(2) Each of the following persons who is a qualified elector of a city, village, or township in this state and who is not a registered voter may apply for an absent voter ballot:

- (a) A civilian employee of the armed services outside of the United States.
- (b) A member of the armed services outside of the United States.
- (c) A citizen of the United States temporarily residing outside the territorial limits of the United States.
- (d) A citizen of the United States residing in the District of Columbia.

(e) A spouse or dependent of a person described in subdivisions (a) through (d) who is a citizen of the United States and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a city, village, or township of this state, if that spouse or dependent is not a qualified and registered elector anywhere else in the United States.

(3) Upon receipt of an application under this section that complies with this act, a city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(4) The size of a precinct shall not be determined by registration forms completed under this section.

(5) A member of the armed services or an overseas voter, as described in subsection (2), who registers to vote by federal postcard application under subsection (1), and who applies to vote as an absent voter by federal postcard application is eligible to vote as an absent voter in any local or state election, including any school election, occurring in the calendar year in which the federal postcard application is received by the city, village, or township clerk, but not in an election for which the application is received by the clerk after 2 p.m. of the Saturday before the election. A city or township clerk receiving a federal postcard application shall transmit to a village clerk and school district election coordinator, where applicable, the necessary information to enable the village clerk and school district election coordinator to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. A village clerk receiving a federal postcard application shall transmit to a city or township clerk, where applicable, the necessary information to enable the city or township clerk to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. If the local elections official rejects a registration or absent voter ballot application submitted on a federal postcard application by an absent armed services or overseas voter, the election official shall notify the armed services or overseas voter of the rejection.

(6) Under the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6, the state director of elections shall approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

(7) As used in this section, “armed services” means any of the following:

- (a) The United States army, navy, air force, marine corps, or coast guard.
- (b) The United States merchant marine.
- (c) A reserve component of an armed service listed in subdivision (a) or (b).

(d) The Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

**History:** Add. 1956, Act 21, Imd. Eff. Mar. 22, 1956;—Am. 1971, Act 68, Eff. Oct. 1, 1971;—Am. 1996, Act 207, Imd. Eff. May 21, 1996;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999;—Am. 2006, Act 605, Imd. Eff. Jan. 3, 2007.

**Compiler's note:** See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.  
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